

REMARKS

Claims presented for prosecution in this application are claims 1, 4-11, 17 and 18, claim 16 being newly canceled, and claim 19 being newly added, by the present amendment. Claims 1, 4-11 and 17 have been allowed over the cited prior art of record. Claim 16 rejected on formalistic grounds. In view of Applicant's remarks below, Applicant respectfully submits that claims 1, 4-11, 17 and 18 are in condition for allowance. Accordingly, Applicant respectfully requests that the present Preliminary Amendment be considered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

Allowance of Claims 1, 4-11 and 17

The Examiner's substantive consideration and allowance of claims 1, 4-11 and 17 is gratefully acknowledged.

The 35 USC 112, First Paragraph Rejection of Claim 16

The Examiner has rejected claim 16 as containing new matter.

Without conceding to the validity of the Examiner's assertion in this regard, Applicant has canceled claim 16.

Applicant therefore respectfully requests that the 35 USC 112, first paragraph rejection of claim 16 now be withdrawn.

New Claim 18

Applicant has newly proposed claim 18 to further define Applicant's invention, and respectfully asserts that none of the cited prior art anticipates, or renders obvious, the recited elements of claim 18 in total.

In particular, Applicant asserts that claim 18 specifically recites, *inter alia*:

"a slide having an ejection port, said slide being slidably disposed for movement on said frame between one of a closed position and an open position and having a housing that extends longitudinally and substantially parallel to a direction of movement of said slide;

a firing mechanism including a sear assembly;

an access port formed in said housing

wherein said sear assembly is accessible through said access port to permit manipulation of said sear assembly therethrough."

Applicant therefore respectfully asserts that new claim 18 now specifically recites that Applicant's 'access port' is defined in that portion of the slide housing which extends longitudinally and substantially parallel to the direction of movement of the slide. That is, Applicant believes that claim 18 now delineates over the hammer-openings in either Tuma's or Vitorino's slide element.

As noted in the previous Office Action, Toma's (and, in fact, Vitorino's) slide aperture is formed, "in the rear of the slide". Applicant submits that claim 18 now precludes such an interpretation by explicitly reciting that the slide housing, in which the access port is formed, '*extends longitudinally and substantially parallel to a direction of movement of said slide*'. As will be readily appreciated, the rear of either Toma's, or Vitorino's, slide does not extend either longitudinally, nor in a direction which is substantially *parallel* to the direction of movement of their respective slides.

In addition to Applicant's belief that new claim 18 clearly defines over the cited prior art of record, Applicant also respectfully asserts that no portions of claim 18 are New Matter, and were completely disclosed in the specification and drawing figures as originally filed. Page 5, paragraph 21, lines 3-6, *inter alia*, specifically recites the sliding nature of the slide (as also discussed in the background, as well as being generally known to those of skill in the art).

Moreover, Applicant notes MPEP § 2163.06 in which it is stated that, "*information contained in any one of the specification, claims or drawing of the application as filed may be added to any other part of the application without introducing new matter*". Towards this end, Applicant further notes Figures 1, 7 and 8 which all show the housing of Applicant's slide 14 and their structural orientation as recited in claim 18.

Applicant has further amended the specification, as indicated above, in order to provide an explicitly textual basis for the language now utilized in claim 18 and shown in Figures 1, 7 and 8. Newly amended Figure 8 is also proposed to explicitly enumerate the 'housing' of claim 18, thereby removing any formalistic objections on these grounds.

Should the Examiner not agree with the newly added text, Applicant expressly gives the Examiner the authority to amend or delete the newly added text, in an Examiner's Amendment or the like, in order to best make the added text comport with all requirements.

In view of the above remarks and amendments, an early indication of the allowability of independent claim 18 is therefore earnestly and respectfully solicited.

CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 1, 4-11, 17 and 18 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, Examiner's amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

By 

Nicholas J. Tuccillo
Registration No. 44,322
Attorney for Applicant

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
Tel.: (860) 549-5290